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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,202	03/31/2004	Robert P. Cassoni	527.1001DIV	9504

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,202

Applicant(s)

CASSONI, ROBERT P. *CS*

Examiner

Daniel Yeagley

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities:

paragraph [0001] line 1, after the patent application numeral 09/924,039, the current status of application should be inserted; such as --; now U.S. patent 6,715,774 issued April 06, 2004--. Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter "an assist device" which was not describe in the specification in such a way as to clearly indicate the metes and bounds of such a limitation. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 3 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Burns.

Burns shows a golf club carrier comprising a golf bag supported by a carrier body 10 (column 3, line 13-15), having two wheels 14, a support surface, a handle 18 and a hitching device connected to the carrier body (figure 1), and includes an assist device 20 connected to the carrier body for assisting lifting of the club carrier (column 3, line 24-42).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 3, 5 – 11 and 13 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang '031 in view of Burns '203.

Tang shows a golf club carrier comprising a carrier body supporting a golf bag having two wheels and a support surface, a handle H and an assist device connected to the carrier body (figure 1), wherein the assist device includes a spring 55 for assisting lifting of the carrier body; as best understood, and wherein the two wheels have an axis that is movable with respect to the carrier body such that the wheel axis is movable via the handle (figure 3-4), wherein the handle is rotatable and latchable (figure 1, column 4-5), but failed to disclose a hitching device connected to the carrier body for connecting to another hitching device on a golf cart.

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Burns shows a golf club carrier that discloses a carrier body 10 having a hitching device connected to the carrier body for connecting to another hitching device on a golf cart (figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the wheeled golf club carrier of Tang with a hitching device connected to the carrier body as suggested by Burns in order to conveniently hitch the golf club carrier to a golf cart as taught by Burns for easy transporting of the carrier body on a golf cart.

8. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang '031 as modified by Burns '203 in further view of Naab '271.

Tang as modified by Burns discloses a golf club carrier comprising a carrier body having a support surface with two wheels, a handle, an assist device and as modified a hitching device connected to the carrier body, but failed to disclose the hitching device having a mount claw as claimed.

Naab shows a carrier that includes a hitching device connected to the carrier body 50 or 55 for connecting to another hitching device (figure 3-5), wherein the hitching device of the carrier incorporates a mount claw 51 or 59 (column 5, line 41-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified the wheeled golf club carrier of Tang as modified by the hitching device of Burns with a modified hitching device such as shown by Naab the utilizes a mount claw to enhance the hitching device to more easily and conveniently hitch the carrier to a another hitch device on a vehicle as taught by Naab.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hokaku '954 shows a golf club carrier and hitching device that incorporates a mount claw on the vehicle-hitching device.

Guthrie et al '264 shows a carrier and hitching device that incorporates a mount claw on the carrier-hitching device.

Arsenault '968 and Hampton show a golf club carrier with a hitching device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

TECHNOLOGY CENTER 3600
SUPERVISORY PATENT EXAMINER
LESLIE D. MORRIS

